

RESPONSE  
SN 09/989,558  
PAGE - 2 of 3 -

### REMARKS

In the Office Action, the Examiner noted that claims 36-38 are pending in the application, and that claims 36-38 are rejected. By this response, claims 36-38 continue unamended. In view of the following discussion, the Applicant submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, the Applicant believes that all of these claims are now in condition for allowance.

### REJECTION OF CLAIMS UNDER 35 U.S.C. §102(e)

The Examiner rejected claims 36-38 as being anticipated by the McBurney patent (United States patent 6,473,030, issued October 29, 2002). The rejection is respectfully traversed.

More specifically, the earliest effective U.S. filing date for the McBurney patent is February 28, 2001 (i.e., the actual filing date). The present application is a divisional of U.S. patent application serial number 09/615,105, filed July 13, 2000 (now U.S. patent 6,411,892, issued June 25, 2002). Since the priority date of the present invention precedes the earliest effective U.S. filing date of the McBurney patent, the McBurney patent is not prior art to the Applicant's invention. Therefore, the Applicant contends that claims 36-38 are not anticipated by the McBurney patent and as such, fully satisfy the requirements of 35 U.S.C. §102.

### CONCLUSION

Thus, the Applicant submits that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. § 102. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

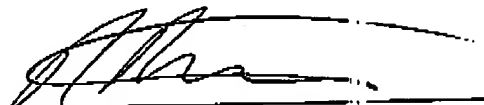
If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Robert M. Brush, Esq. or Mr. Raymond R Moser Jr.

RESPONSE  
SN 09/989,558  
PAGE - 3 of 3 -

Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

10-29-03

  
Robert M. Brush, Attorney  
Reg. No. 45,710  
(732) 530-9404

Moser, Patterson & Sheridan, LLP  
Attorneys at Law  
595 Shrewsbury Avenue  
Suite 100  
Shrewsbury, NJ 07702

**RECEIVED  
CENTRAL FAX CENTER**

OCT 29 2003

**OFFICIAL**